

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

PUYALLUP TRIBE OF INDIANS, *et al.*,

Plaintiff-Intervenors,

v.

ELECTRON HYDRO, LLC, *et al.*,

Defendants,

CASE NO. C20-1746-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

By minute order, (*see* Dkt. No. 168), the Court extended its consideration of the Government's proposed consent decree in this matter (Dkt. No. 161-1), pending resolution of a contempt motion regarding injunctive relief in a related matter, *Puyallup Tribe of Indians v. Electron Hydro LLC, et al.*, Case No. C20-1864-JCC, Dkt. No. 78 (W.D. Wash. 2024). Since then, the parties in that related matter sought, and the Court entered, an order staying the contempt motion, pending a permitting decision on a revised plan modifying the rock dam/spillway located at Electron Hydro, LLC's power generation headworks. *See id.* Dkt. No.

107.

As this revised plan diverges from that in place at the time the parties in this matter negotiated and formulated the proposed consent decree, the Court seeks supplemental briefing on the import of this change to the consent decree's terms governing the removal and modification of the rock dam/spillway. (*See, e.g.*, Dkt. No. 161-1 at 59–62.) The parties are DIRECTED to file supplemental briefs on this issue (and no other topic) as follows:

- Government's opening supplement brief<sup>1</sup> – due May 24, 2024
- Defendants' & Intervenor's response briefs<sup>2</sup> – due June 3, 2024
- Government's reply brief<sup>3</sup> – due June 7, 2024.

The Clerk is DIRECTED to renote the motion to enter the proposed decree (Dkt. No. 161) to June 7, 2024.

DATED this 26th day of April 2024.

Ravi Subramanian  
Clerk of Court

s/Kathleen Albert  
Deputy Clerk

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<sup>1</sup> Limited to no more than 6 pages in argument.

<sup>2</sup> Each parties' brief limited to no more than 6 pages in argument.

<sup>3</sup> Not to exceed 3 pages in argument.